



**Texas Commission
on
Private Security**

**SUBJECT
DEFINITIONS**

Rule Number

Effective Date

Rescind

02-01-02

421.00

421.01

DEFINITIONS

The following words or terms, when used in the Act or Commission Rules, shall have the following meaning, unless the context clearly indicates otherwise:

- A. Client – Any person, individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity, having a contract which authorizes services to be provided in return for financial or other considerations.
- B. Conflicts of interest - A conflict or the appearance thereof, between the private interests and public obligations of an individual, organization, or other legal entity authorized to conduct business pursuant to the Act.
- C. Commission – Means the members appointed by the Governor of Texas to serve as the governing body of the Texas Commission on Private Security or the staff serving the administration/enforcement needs of that agency.
- D. Contract - An agreement between a person or company licensed under this Act and a client. Such contracts may be oral or written, or in any combination thereof.
- E. Conviction - Any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment, community supervision, or pre-trial diversion.
- F. Curriculum - The collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.
- G. Licensee - Any person defined in the Act that has been granted a license, registration or security officer commission or has filed an application for a license, registration or security officer commission by or with the Texas Commission on Private Security.
- H. Act – Title 10 Chapter 1702 Occupations Code as amended by the Texas Legislature.
- I. Director/Executive Director-Chief Appointed Officer of the Texas Commission on Private Security.
- J. Shareholder - Shall mean any individual holding stock in a licensee who is actively involved in the normal course of operation and business of the licensee and shall not include those individuals who only hold stock in the licensee solely for the purposes of investment.
- K. Advertising – Means the direct solicitation for business which requires a license under the provisions of this Act and involving more than a mere listing of a licensee's name, address and telephone number.
- L. Undercover Agent – A person as defined under Section 1702.240, requiring protected identity, during the course and scope of a specific, ongoing, investigation.
- M. State-means the State of Texas or any political subdivision thereof.



**Texas Commission
on
Private Security**

**SUBJECT
PROHIBITIONS**

Rule Number

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422.00

422.01 FRAUDULENT APPLICATION PROHIBITED

Applications submitted to the Commission are government documents and/or records. A fraudulent application for a license, registration or security officer commission pursuant to the Act is a criminal offense. Applicants that willfully make false statements in making applications for licenses, registrations, or security officer commissions pursuant to the Act, or otherwise commit a violation in connection with such application, will be subject to prosecution.

422.02 PERMITTING OR ALLOWING VIOLATIONS

Any person who has applied for or been issued a license, registration, security officer commission, instructor approval, school approval, or letter of authority, shall not knowingly permit or allow any person to violate a provision of the Act, a Commission rule, or any Criminal Statute.

422.03 RETURN OF EQUIPMENT

Licensees, registrants or commissioned security officers shall surrender immediately on demand or not later than the seventh day after termination of employment, any uniform, badge or other item of equipment owned by the employer or provided by the employer issued to the licensee, registrant or commissioned security officer by an employer.

422.04 No license, registration, security officer commission or school approval shall be issued or renewed unless the licensee, registrant or commissioned security officer is in good standing with the Commission. Good standing includes, but is not limited to, compliance with Chapter 1702 Texas Occupations Code and Commission Rules, no default on a student loan with the Texas Guaranteed Student Loan Corporation, a good standing of account status with the Comptroller of Public Accounts, and the payment in full of all administrative penalties assessed against the licensee, registrant, school or commissioned security officer. The Director has the discretion to waive the payment in full of all administrative penalties requirement for license renewal.



**Texas Commission
on
Private Security**

**SUBJECT
RULE MAKING PROCEDURE**

Effective Date

02-01-02

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Rule Number

423.00

423.01

AMENDMENTS TO COMMISSION RULES

- A. Prior to the adoption of any rule, the Commission shall give at least 30 days notice of its intended action. Notice of the proposed rule shall be filed with the Secretary of State and published by the Secretary of State in the Texas register. The notice shall include:
1. A brief explanation of the proposed rule;
 2. The text of the proposed rule, except any portion omitted as provided in Section 2002.014 of the Texas Government Code prepared in a manner to indicate the words to be added or deleted from the current text, if any;
 3. A statement of the statutory or other authority under which the rule is proposed to be promulgated;
 4. A request for comments on the proposed rule from any interested person; and
 5. Any other statement required by law.
- B. Each notice of a proposed rule becomes effective as notice when published in the Texas Register. The notice shall be mailed to all persons who have made timely written requests of the Commission for advance notice of this rule making proceeding. However, failure to mail the notice does not invalidate any actions taken or rules adopted.
- C. Prior to the adoption of any rule, the Commission shall afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In the case of substantive rules, opportunity for public hearing shall be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members. The Commission shall consider fully all written and oral submissions concerning the proposed rule. On adoption of a rule, the Commission, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in statement its reasons for overruling the considerations urged against its adoption.
- D. If the Commission finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing that it finds practicable to adopt an emergency rule. The rule may be effective for a period not longer than 120 days renewable once for a period of not exceeding 60 days, but the adoption of an identical rule under subsections (a) and (c) of this section is not precluded. An emergency rule adopted under the provisions of this subsection, and the Commission's written reasons for the adoption, shall be filed in the office of the Secretary of State for publication in the Texas Register.
- E. The Commission may use informal conferences and consultations as means of obtaining viewpoints and advice of interested persons concerning contemplated rule making. The Commission may also appoint committees of experts or interested persons or representatives of the general public to advise it with respect to any contemplated rule making. The powers of the committees are advisory only.

- F. Any interested person may petition the Commission requesting the adoption of a rule. Any such petition must be presented in substantially the form set forth in Section 423.03 of this title relating to Petition of Adoption of a Rule. Within 60 days after submission of a petition, the Commission either shall deny the petition in writing, stating its reasons for the denial, or shall initiate rule-making proceedings in accordance with the provisions of this rule.

423.02

EFFECTIVE DATE

These rules govern all proceedings filed after they take effect and they also govern all proceedings then pending. Any rule adopted shall become effective 20 days after filing two certified copies of said rule with the Secretary of State, unless otherwise specified in the rule because of statutory directive or federal law or emergency.

423.03

PETITION FOR ADOPTION OF A RULE

- A. Applicant: (Here give name and complete mailing address of applicant on whose behalf the application is filed, hereinafter called the applicant.)
- B. Caption: Applicant hereby seeks (Here make specific reference to the rule or rules which it is proposed to establish, change or amend, so that it or they may be readily identified, prepared in a manner to indicate the words to be added or deleted from the current text, if any.)
- C. Proposed Change: (Here make reference to any exhibit to be attached to and incorporated by reference to the petition, the said exhibit to show the amendment providing for the proposed new provision, rule, regulation rate practice or other change, including the proposed effective date, application and all other necessary information, in the exact form in which it is to be published, adopted or promulgated.)
- D. Justification: (Here submit the justification for the proposed action in narrative form with sufficient information to inform the Commission and any interested party fully of the facts upon which applicant relies.)
- E. Resume or Concise Abstract: (Here file with the petition a concise but complete resume or abstract of the information required in Subsections (A), (B), (C) and (D) of this section relating to Petition of Adoption of a Rule.)



**Texas Commission
on
Private Security**

**SUBJECT
STANDARDS**

Rule Number

Effective Date

02-01-02

Rescind

424.00

424.01 COMPLAINT LIMITATION

The Commission shall not accept a complaint against a licensee or an employee if the complaint is filed more than two years after the alleged violation date, except in matters that relate to conviction for a Class B offense or greater or a material misstatement in an application.

424.02 DATE OF LICENSING, CERTIFICATION OR ACKNOWLEDGEMENT

If an application or written notification is required, the date of licensing, certification, or acknowledgment by the Commission will be either the receipt date or the date the complete application or written notification is accepted for processing, whichever is later.

424.03 CERTIFICATE OF INSTALLATION

A. For purposes of interpreting the term "exterior structure opening" in Sec 6 (a) (2) (A), Texas Insurance Code, that term shall mean all exterior doors, windows, or other openings into a structure greater than 96 square inches with the smallest dimension exceeding six inches; provided however, that no opening is an "exterior structure opening" if it was designed and installed to be unmovable or inoperable and has not been reconstructed to be movable or operable. A garage door is not an exterior structure opening if all other exterior structure openings from the garage into the structure are contacted.

B. Any alarm system company may issue a certificate of installation pursuant to 1702.065 Occupations Code.

424.04 STANDARDS OF CONDUCT

A. Licensees shall carry out fully any contract for services entered into with a client except for reasons deemed to be unlawful.

B. Licensed companies may use the phrase "Licensed by the Texas Commission on Private Security" on stationary, business cards, and in advertisements, but no licensee shall have a badge, shield or insignia as part of any uniform, identification card or markings on a motor vehicle containing the State Seal of Texas, except those identification and license items that are prepared or issued by the Commission. No licensee shall use the State Seal of Texas to advertise or publicize a commercial undertaking.

C. No licensee shall have a badge, shield or insignia as part of any uniform, identification card or markings on a motor vehicle containing the Flag of the State of Texas, except those identification and license items that are prepared or issued by the Commission. No licensee shall use the Flag of the State of Texas to advertise or publicize a commercial undertaking.

D. Licensees will make copies of contracts with clients available to Commission investigators when served with a subpoena signed by the investigator for copies of said contracts if a written contract was utilized.

- E. Commissioned security officers or personal protection officers shall carry only a firearm of the category with which they have been formally trained and of which training documentation is on file with the commission. Firearm categories will be shown on the individual's registration card and will be:
 - 1. SA: any handgun, whether semi-automatic or not,
 - 2. NSA: handguns that are not semi-automatic,
 - 3. STG: any shotgun.
- F. No commissioned security officer or personal protection officer shall carry an inoperative, unsafe, replica or simulated firearm while in the course and scope of their employment.
- G. No commissioned security officer or personal protection officer shall brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law.
- H. The discharge of a firearm while in the performance of their duty by any person registered, or commissioned by a licensee shall be reported to the Austin office of the Commission. Notification of the discharge of a firearm shall be in writing within 24 hours of the incident, and shall be faxed by the licensee, or manager. The fax shall be addressed to the Executive Director of the Commission at (512) 447-5051. The fax shall include:
 - 1. Name of the person discharging the firearm:
 - 2. Name of the employer;
 - 3. Location of the incident;
 - 4. A brief narrative of what happened;
 - 5. Whether death, personal injury or property damaged resulted, and
 - 6. Whether the incident is being or was investigated by a law enforcement agency.
- I. No licensee shall engage in any business activity in violation of Section 38.11 or Section 38.12 of the Texas Penal Code (Barratry and Solicitation of Professional Employment.)
- J. Licensees shall not perform any service regulated by the Commission if a Letter of Summary Suspension or Letter of Summary Denial has been forwarded in accordance with the Act and Commission Rules. After Summary Suspension or Summary Denial, a Letter of Reinstatement must be received by the licensee prior to performing any services regulated by the Commission.
- K. All licensees, if arrested, charged, or indicted for a criminal offense above the level of Class C misdemeanor shall within 72 hours notify their employer, who shall then notify the Commission by fax at 512-447-5051 or in writing at the Austin office of the Commission within 72 hours of notification by licensee including the name of the arresting agency the offense, court, and cause number of the charge or indictment, if any.
- L. All licensees shall report any name changed by marriage, divorce or other reason to the Commission within 30 days of the effective date of change. The notice of the change shall be in writing, and shall include a certified copy of the legal document ordering the name change.

- M. No licensee shall engage in conduct while in the course, scope or performance of their duties that constitutes a Class C misdemeanor or greater offense as provided in the Texas Penal Code, Alcoholic Beverage Code, or Health and Safety Code.
- N. When an employee of a licensee is terminated for any conduct as described in Section 1702.361, the licensee shall notify the Commission of such conduct within 14 days of termination. Such notice shall include but not be limited to:
 - 1. A completed Commission complaint form (form#022);
 - 2. Any and all documents or evidence concerning the alleged offense;
 - 3. Said correspondence shall be mailed to the Commission, to the attention of the Criminal Investigation division.

424.05

STANDARDS OF SERVICE

- A. In accordance with subsection (c) of this Section, a licensee shall inform each client he is entitled to receive a written contract that contains the fee arrangement with necessary information covering services to be rendered.
- B. A written contract for services required to be licensed under the Act shall be furnished to a client within seven days after a request is made for such written contract. The written contract shall contain the fee arrangement, with the necessary information covering services to be rendered.
- C. A written contract for services requiring a license under the Act shall be dated and signed by the owner, manager, or a person authorized by one or either of them to sign written contracts for the licensed company.
- D. Each licensee that has a contract to provide services licensed by the Commission within seven days after entering into a contract for services regulated by the Commission with another licensee shall:
 - 1. Notify the recipient of those services of the name, address, and telephone number, and individual to contact at the company which purchased the contract.
 - 2. Notify the recipient of services at the time the contract is negotiated that another licensed company may provide any, all or part of the services requested by sub-contracting or outsourcing those services. If any of the services are sub-contracted or outsourced to a licensed third party the recipient of services must be notified of the name, address, phone number and license number of the company providing those services.

424.06

CONSUMER INFORMATION

- A. A licensee shall notify consumers or recipients of services of the name, mailing address, and telephone number of the Commission on each written contract for services.
- B. A licensed company must display prominently in the principle place of business and any branch office, a sign containing the name, mailing address, and telephone number of the Commission, and a statement informing consumers or recipients of services that complaints against licensees can be directed to the Commission.
- C. Signs required to be displayed in the place of business of a licensed company shall be obtained from the Commission.

424.07 INFORMATION SHOWN IN ADVERTISEMENTS

- A. Any advertisement by a licensee shall include:
 - 1. The company name and address as it appears in the records of the Commission; and
 - 2. The license number of the licensee as issued by the Commission.

424.08 STANDARDS OF REPORTS

- A. At the time a contract for services requiring a license under the Act is negotiated, each client shall be informed that he or she is entitled to receive a written report concerning services rendered for which a fee has been tendered by a licensed company.
- B. A written report shall be furnished by the licensed company to the client within seven days after a written request is received from the client.

424.09 UNIFORM REQUIRMENTS

- A. Each commissioned security officer shall, at a minimum, display on the outermost garment the name of the company under whom the commissioned security officer is employed, the work "Security" and identification which contains the last name of the security officer.
- B. The name of the company and the word "Security" shall be of a size, style, shape, design, and type which is clearly visible by reasonable person under normal conditions.
- C. Each noncommissioned security officer shall display in the outermost garment in style, shape design and type which is visible by a reasonable person under normal conditions identification which contains:
 - (1) The name or Commission-approved logo of the company under whom the security officer is employed, or
 - (2) The name or the Commission-approved logo of the business entity with whom the employing company had contracted.
 - (3) The last name of the security officer, and
 - (4) The word "Security"
- D. No license shall display a badge, shoulder patch, logo or any other identification which contains the words "Law Enforcement" and/or similar word (s) including, but not limited to: agent, enforcement agent, detective, task force, fugitive recovery agent or any other combination of names which gives the impression that the bearer is in any way connected with the Federal government, State government or any political subdivision of a State government
- E. A reserve Law Enforcement Officer who has made application for or who has been issued a registration as a non-commissioned Security Officer or has been issued a Security Officer commission by the Texas Commission of Private Security under a licensed security services contractor or a Letter of Authority may wear the official uniform of that agency while working private security only when:

- (1) The Chief Administrator of the appointing law enforcement agency has the authority to appoint reserve Peace Officers and a reserve Peace Officer Licensee has been issued by the Texas Commission on Law Enforcement Officer Standards and Education
 - (2) The reserve Law Enforcement Officer has written permission to wear the official uniform of the appointing Law Enforcement agency;
 - (3) The written authorization must be signed and dated by the Chief Administrator of the appointing Law Enforcement agency and shall be maintained for inspection by the Texas Commission on Private Security at the principal place of business or branch office of the licensed Security Service contractor or Letter of Authority;
 - (4) The reserve is wearing the official uniform of the appointing agency that clearly identifies that agency and is not wearing a generic peace officer uniform;
 - (5) The reserve peace officer meets the definition of the Internal Revenue Services as and employee of the licensed Security Service Contractor or Letter of Authority;
 - (6) The Licensed Security Services Contractor or Letter of Authority has not accepted any monies or remuneration to allow the reserve peace officer to work under the license of the Security Services Contractor or Letter of Authority;
 - (7) The reserve Peace Officer has not terminated employment with the appointing agency;
 - (8) The reserve Peace Officer has not been Summary Suspended or Summary Denied or Revoked by the Texas Commission on Private Security.
- F. A reserve law enforcement officer, while working as a noncommissioned security officer or commissioned security officer for a Licensed Security Services Contractor (Guard Company), Private Business Letter of Authority, or Governmental Letter of Authority, shall at all times carry on their person the noncommissioned security officer registration pocket card or security commission pocket card issued by the Texas Commission on Private Security and their official appointing agency's identification; and shall present the same upon request to any individual or law enforcement officer requesting them to identify themselves.
- G. A regular peace officer who maintains full-time employment, and meets the requirements of Section 1702.322 of the Texas Occupations Code, may wear the uniform of the Licensed Security Services Contractor (Guard Company), Private Business Letter of Authority, or Governmental Letter of Authority or the official police officer uniform of their appointing law enforcement agency while working private security in Texas..



**Texas Commission
on
Private Security**

**SUBJECT
SUMMARY SUSPENSION**

Rule Number

Effective Date

02-01-02

Rescind

425.00

425.01

STAY OF SUMMARY SUSPENSION

- A. Within three (3) working days after receipt of notice of a summary suspension for a Class B misdemeanor or equivalent offense only, an individual may request a stay of summary suspension by submitting a written request to the Executive Director by mail or by fax at 512-447-5051.
- B. The written request for a stay of summary suspension must include all of the following:
1. The full name, mailing address, telephone number, fax number, social security number, license number, position with the company, and date of birth of the individual making the written request.
 2. The arrest date, time, and location, and the offense title, arresting officer's name and department relating to the offense for which the stay request is made.
 3. A statement as to whether the individual making the request for a stay of summary suspension was in the performance of an activity or duties involved in the operation of the individual's company or activities for which a license, commission or registration would be required.
 4. A detailed account of the circumstances leading up to, and resulting in the requesting individual's arrest.
 5. An explanation as to why the summary suspension of the individual making the request for a stay would place an undue hardship on the company's continued operation.
 6. A statement providing that the information in the written request for a stay of summary suspension is true and correct.
 7. Any additional information requested by the Executive Director.
- C. Upon receiving a written request for a stay of summary suspension, the Executive Director may, at his discretion, consider the request under the following conditions:
1. The Class B misdemeanor offense does not involve violence, theft or fraud, as outlined in Commission policy 2001-01.
 2. Circumstances of the individual's arrest.
 3. Any other information as may be required by the Executive Director.
- D. If, in the discretion of the Executive Director, a stay of the summary suspension is granted, the requesting individual will be notified in writing by the Executive Director within two working days after the request is received by the Executive Director.
- E. No stay of summary suspension shall be effective until and unless the requesting party has received written confirmation of the stay from the Executive Director.
- F. No stay of summary suspension shall remain in effect beyond the date of the next called meeting of the Commission following the request for a stay at which time the Commission members will consider the disposition of the matter. No continuance shall be granted.



**Texas Commission
on
Private Security**

SUBJECT	
GENERAL ADMINISTRATION AND EXAMINATIONS	
Effective Date	Rescind
02-01-02	04-28-02

Rule Number

426.00

426.01

WRITTEN EXAMINATION

- A. All manager or supervisor applicants shall pass a written examination administered by the Commission.
- B. The passing grade of a written examination shall be 75% of the total points possible.
- C. The written examination shall cover all sections of the Act and Commission Rules.
- D. Before being administered the written examination, the manager or supervisor applicant must:
 - 1. Present a valid identification card which contains a photograph upon request;
 - 2. Report 30 minutes prior to the examination time; and
 - 3. Comply with all the written and verbal instructions of the proctor;
- E. During an examination session, a manager or supervisor applicant shall not:
 - 1. Bring any books, or other written material related to the content of the examination into the examination room;
 - 2. Refer to, use, or possess any such written material in the examination room;
 - 3. Give or receive answers or communicate in any manner with another examinee during the examination;
 - 4. Communicate any of the content of an examination to another at any time;
 - 5. Steal, copy or in any way reproduce any part of the examination;
 - 6. Engage in any deceptive or fraudulent act either during an examination or to gain admission to it;
 - 7. Solicit, encourage, direct, assist or aid another person to violate any provision of this section; or
 - 8. Disrupt the examination session.
- F. Time limit for Examination will be at the discretion of the Executive Director.

426.02

REEXAMINATION FEE

- A. Any examination, other than the one examination authorized by payment of the original license fee, shall be considered a reexamination and the reexamination fee shall be \$100.00.

426.03

PHOTOGRAPHS

Photographs required by the Act shall be in color and shall show a facial likeness of applicants. Photographs placed on pocket cards shall have been taken within six months prior to the issuance of the card and be 1" x 1 1/4" in size.

426.04 FINGERPRINT CARDS

- A. All fingerprint cards required by the Act shall be fingerprint cards approved by and obtained from the Commission. Except as provided for in Section 433.02 of this title relating to Fingerprints, two fingerprint cards shall be submitted for each applicant. All blank spaces shall be completed and the cards shall be signed by the applicant and the person taking the prints.
- B. Applicants who have had fingerprints rejected on three separate attempts may appeal to the Executive Director in writing for a waiver, which the Executive Director may grant under conditions deemed appropriate.

426.05 ASSUMED NAME REQUIREMENTS

- A. All applicants, doing business under an Assumed Name shall submit a certificate from the County Clerk of the county of the applicant's residence, showing compliance with the Assumed Name Statute.
- B. Corporations using an Assumed Name shall submit a certificate from the Texas Secretary of State and the County Clerk of the county of the applicant's residence, showing compliance with the Assumed Name Statute.

426.06 VERIFICATION OF CORPORATIONS

Applicants that are corporations shall submit a current Certificate of Existence or a Certificate of Authority from the Texas Secretary of State.

426.07 ASSIGNMENT UNDER CLASS

When a Class A license or a Class B license is assigned to a Class C license, a fee in the amount of the difference in the cost of the licenses shall be paid to upgrade the license. There shall be no refund when a Class C license is assigned to a Class A or Class B license. This fee is in addition to the regular assignment of a license fee.

426.08 PROCEDURE FOR TERMINATION OF LICENSE OR BRANCH OFFICER LICENSE

An owner or qualified manager shall:

- 1. Submit a written request to the Commission to terminate the license;
- 2. Not be required to pay a fee to terminate a license; and
- 3. Once terminated, a license shall not be reinstated.

426.09 ASSIGNMENT TO SPOUSE OR HEIRS

The Commission may approve the assignment of a license to the spouse or heir(s) of a deceased provided:

- 1. A certified copy of the owner's death certificate is filed with the Commission;
- 2. A certified copy of the Will, Order Admitting Will to Probate, Letters of Testament, or Order of Heirship is filed with the Commission; and

3. In the case of the death of a qualified manager, that a replacement manager is qualified within 90 days.

426.10 FEES

- A. The fees submitted to the Commission shall be the same as provided in 1702.062 Occupations Code unless otherwise specified in Article V of the General Appropriations Act in accordance with Section 316.043 of the Government Code, whether for an original application, renewal, reciprocal or provisional license, registration or security officer Commission.

- B. FEES NOT REFUNDABLE

Fees collected by the Commission are not refundable or transferable.

- C. METHOD OF PAYMENT OF FEES

Payment of fees shall be made by licensed company check, cashier's check, or money order or by an attorney on behalf of his client paid on the attorney's trust fund account.

- D. ORIGINAL FEES NOT PRORATED

Original fees shall not be prorated. The full license fee shall accompany all applications for original license.

426.11 OPERATION WITHOUT MANAGER

When a qualified manager or supervisor of a license has terminated his position, and the Commission has been timely notified of the termination in writing within 14 days of the termination, the business shall be operated by an owner, officer, partner or shareholder. No license shall be operated without a manager for a period exceeding 60 days after the date of the previous manager's termination.

426.12 FINGERPRINT SUBMISSION

All applicants for any license, registration, security officer commission, permit or approval issued by the Commission shall submit two sets of classifiable fingerprints on fingerprint cards obtained from the Commission along with any required fees to the Commission for the purpose of a criminal history check.

1. One set of classifiable fingerprints shall be submitted by the Commission to the Texas Department of Public Safety.
2. One set of classifiable fingerprints shall be submitted to the Federal Bureau of Investigation.

426.13 CHANGE OF EXPIRATION DATE OF LICENSE

A licensee desiring to change the expiration date of his license may make such a request to the Commission during the renewal period as defined in Section 1702.302 of the Act.

1. The expiration date desired shall be the last day of any of the 12 months in a calendar year.
2. The renewal fee shall be prorated on a monthly basis.

426.14 REAPPLICATION AFTER REVOCATION

An applicant who has had a license or registration revoked by the Commission is not eligible to re-apply for any license or registration issued under this Act unless the fifth anniversary of any such revocation has occurred.

426.15 PRIVATE SECURITY CONSULTANT

- A. Effective September 1, 2001 any applicant for private security consultant or any person renewing their registration as a private security consultant shall meet all requirements under Section (b) of this rule.
- B. In addition to compliance with all other applicable Commission rules a private security consultant shall:
 1. Meet all requirements under Sections 1702.110, 1702.113, 1702.117, and 1702.124 as appropriate; and
 2. Not have engaged in conduct that is grounds for disciplinary action under Section 1702.361(b).
 3. Provide to the Executive Director or his designee, proof that prior to the date of application, have two years of lawful experience in the security services field. The experience shall be determined by the Executive Director, or his designee, to be adequate to qualify the applicant to engage in the business of a private security consultant.



**Texas Commission
on
Private Security**

SUBJECT		Rule Number
ADMINISTRATIVE HEARINGS		
Effective Date	Rescind	427.00
02-01-02		

427.01 ADMINISTRATIVE HEARING PROCEDURES

Hearings and Appeal Procedures related to all Administrative Hearings conducted by the Commission are governed by Section 2001 of the Government Code, V.A.C.S.

427.02 SERVICE OF NOTICE IN NON-RULEMAKING PROCEEDINGS

- A. Chapter 2001, Government Code, Section 1702 of the Occupations Code, and Commission Rules govern notice of any summary suspension, summary denial, imposition of penalty, preliminary hearing, pre-hearing conference, hearing before the Commission, notice of a contested case hearing before the State Office of Administrative Hearings or Orders of the Commission.
- B. All Licensees, Letters of authority, Schools, Permit holders, Letters of approval, Letters of authorization, Branch office licenses, or (similar entity) including any applicants for any of the above shall at all times maintain on file with the Commission the current mailing and principal place of business address. Notification to the Commission shall be made in writing and received in the Austin office of the Commission within 14 days of the date of the change of address.
- C. All registrants, commissioned security officers, alarm response runners, alarm salespersons, security officers, or any applicants for any of the above shall at all times maintain on file with the Commission their current residence address. Notification to the Commission shall be made in writing and received in the Austin office of the Commission within 14 days of the date of the change of address.
- D. The Commission may serve the notice of any summary suspension, summary denial, preliminary hearing, pre-hearing conference, hearing before the Commission, notice of a contested case hearing before the State Office of Administrative Hearings or Orders of the Commission, by mailing the notice by certified or registered mail to the last known mailing address on file with the Commission at the time of the notice of those persons shown in subsection (b), by mailing the notice by certified or registered mail to the last known residence address on file with the Commission of those persons listed in subsection (c), or otherwise delivering the notice to such person. Additionally, the Commission will mail a copy of the notice of hearing by regular mail to any person that was mailed a notice by certified or registered mail. Service by mail is complete upon deposit of the document enclosed in a postage paid, properly addressed envelope in a U.S. Post office or official depository under the care and control of the U.S. Postal Service.

427.03 PENALTY RANGE

The Commission shall develop, utilize and publish guidelines for administrative penalties and ranges of violations of the Act and Commission Rules.



**Texas Commission
on
Private Security**

SUBJECT	
UNIFORMED MOTORCYCLE ESCORT SERVICE	
Effective Date	Rescind
04-28-02	

Rule Number

428.00

428.01 ESCORT LICENSE REQUIRED

All guard companies, as defined by Title 10, Chapter 1702 Subchapter G Section 1702.161, Texas Occupations Code, shall register any employee who wears a uniform commonly associated with private security or law enforcement prior to assigning employee to any uniformed escort duty.

428.02 APPROVED UNIFORMS

The uniform, badge and shoulder patch worn by an escort service shall be approved by the Commission during the application process. No uniform, badge or shoulder patch other than those approved by the Commission shall be worn.

428.03 INSURANCE

An Insurance policy in the amount specified by Chapter 1702 shall remain in effect for the term of any license. A copy of proof on the approved Commission form shall be on file with the commission. Prior to the issuance of a license.

428.04 DRIVER'S LICENSE REQUIRED

All uniformed employees shall have a valid Class M Driver's License as described in Subchapter D Section 521.084 of the Transportation Code.

428.05 RESTRICTIONS ON LIGHTS

All uniformed motorcycle escorts shall comply with 547.305 (c) Texas Transportation Code and may not operate a motor vehicle equipped with a red, white or blue beacon, flashing, or alternating light unless the operator is a Peace Officer Commissioned by the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE).

428.06 ARREST FOR CONVICTION OF DRIVING WHILE INTOXICATED

Any applicant or registrant may not be assigned to or be employed by a motorcycle escort service if that individual has been convicted of Driving While Intoxicated (DWI) during the five years preceding licensure or application to become licensed. Any registrant or licensee who is arrested for DWI shall be subject to immediate summary suspension.

428.07 POLICE OFFICERS MAY FURNISH ESCORTS

Nothing in this rule shall be construed to prohibit regularly employed officers of the State or any political subdivision of the State from furnishing uniformed motorcycle escort services when assigned by their respective departments or when providing a service in compliance with section 1702.322.



**Texas Commission
on
Private Security**

**SUBJECT
GUARD DOGS**

Rule Number

Effective Date

02-01-02

Rescind

429.00

429.01

WELFARE REQUIREMENTS

Each guard dog company and investigations company using dogs to conduct investigations licensed by the Commission shall comply with the following rules:

- A. All pens, spaces, rooms, runs, cages, compartments or hutches where guard dogs are housed, exercised, trained or placed shall be kept clean and maintained in a sanitary condition. Excreta shall be removed as often as necessary to prevent contamination of the inhabitants and reduce disease hazards and odors. Adequate shelter shall be provided to protect animals from any form of overheating or cold or inclement weather.
- B. All animals shall be fed at least once a day except as otherwise might be directed by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of food, and shall be kept clean and sanitary to prevent molding, deterioration, or caking of feed.
- C. All animals shall be furnished ample water. If potable water is not accessible to the animals at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a licensed veterinarian. Watering receptacles shall be kept clean and sanitary.
- D. All animals shall be vaccinated by a licensed veterinarian against rabies by the time they are four months of age and within each subsequent 12-month intervals thereafter. Official rabies vaccination certificates issued by the vaccinating veterinarian shall contain certain standard information as designated by the Texas Department of Health. Information required is as follows:
 - 1. Owner's name, address and telephone number.
 - 2. Animal identification. Species, sex, age (three mo. to 12 mo., 12 mo. or older), size (lbs.), predominant breed, and colors.
 - 3. Vaccine used, producer, expiration date and serial number.
 - 4. Date Vaccinated.
 - 5. Rabies tag number.
 - 6. Veterinarian's signature and license number.



**Texas Commission
on
Private Security**

**SUBJECT
COMMISSIONED SECURITY OFFICERS**

Rule Number

Effective Date

02-01-02

Rescind

430.00

430.01 REQUIREMENTS FOR ISSUANCE OF A SECURITY OFFICER COMMISSION BY THE COMMISSION

- A. Applicant shall have successfully completed a Commission approved 30-hour training program and be awarded a certificate of completion from a Commission approved security officer training school.
- B. The licensed company shall submit and maintain on file with the Commission color photographs of the company uniform(s) shown in full length and as worn by its security officer employees, size 8 inches by 10 inches desired, 3 inches by 5 inches minimum acceptable. The photographs shall show the entire uniform, including a close-up of the badge, shoulder patch, and nameplate.

430.02 APPLICATION FOR A SECURITY OFFICER COMMISSION

A completed security officer commission application shall be submitted on the most current version of the form provided by the Commission.

- A. The application shall include:
 - 1. The required fee;
 - 2. At least two sets of fingerprints on fingerprint cards obtained from the Commission and the \$25.00 FBI Fingerprint Check Fee;
 - 3. A copy of the applicant's Level I and Level II certificate of completion; and
 - 4. A copy of the certificate of completion provided to the applicant from a Commission approved Level III training school.
 - a) The employer shall affix one recent color photograph to the pocket card when received from the Commission.
 - b) The photograph shall be 1" x 1 1/4"
- B. Incomplete applications cannot be processed and will be returned for clarification or missing information.

430.03 DRUG TESTING REQUIRED FOR COMMISSIONED SECURITY OFFICERS

- A. At least 15% of a licensee's commissioned security officers at the main office and branch offices must submit to a commercially available means of drug screening, or be examined by a licensed physician each quarter and be declared in writing to show no trace of drug dependency or illegal drug use.
- B. Any drug test performed under subsection (a) of this section shall include tests for at least methamphetamine, THC and other cannabinoids, cocaine, opiates and amphetamines.
- C. No licensee shall place on duty any commissioned security officer who tests positive for any drug(s) or substance(s) until a successive test indicates no trace of the drug(s) or substance(s) for which the tests are performed.

430.04 VIOLATIONS BY COMMISSIONED SECURITY OFFICERS

In additional to other rules, a commissioned security officer shall not:

- A. Perform commissioned security officer duties for any person(s) other than the employer as indicated in the Commission records;
- B. Carry a pocket card to which the security officer has failed to affix his signature and photograph to the commission card issued by the Commission;
- C. Fail to timely surrender his commission card upon written notice served by the Commission;
- D. Possess or use any security officer commission which has been altered; or
- E. Deface or allow improper use of his security officer commission.

430.05 CARRYING OF A SECURITY OFFICER COMMISSION

A private security officer who has been issued a security officer commission by the Commission shall carry it while on duty and going to and from the place of assignment and shall present it upon request by a peace officer or to an investigator employed by the Commission.

430.06 RENEWAL OF SECURITY OFFICER COMMISSION

The renewal period for security officer commissions shall be the calendar month prior to the expiration of the security officer commission.



**Texas Commission
on
Private Security**

**SUBJECT
PERSONAL PROTECTION OFFICERS**

Rule Number

Effective Date

Rescind

02-01-02

431.00

431.01 REQUIREMENTS FOR ISSUANCE OF A PERSONAL PROTECTION AUTHORIZATION

- A. An applicant for Personal Protection Authorization shall:
1. Submit a written application for a personal protection authorization on a form prescribed by the Commission;
 2. Be at least 21 years of age;
 3. Have a valid Security Officer Commission issued prior to applying for a personal protection authorization;
 4. Submit proof that the applicant has successfully completed the Personal Protection Officer Course taught by a Commission approved Personal Protection Officer Instructor; and
 5. Submit proof of completion of the Minnesota Multiphasic Personality Inventory test or equivalent (Proof of completion of the Minnesota Multiphasic Personality Inventory test shall be in the form of the Commission approved Declaration of Psychological and Emotional Health and shall be signed by a licensed psychologist).
- B. A personal protection officer may transfer his registration as a personal protection officer to another employer if:
1. The personal protection officer has transferred his security officer commission to the new employer; and
 2. Submits the appropriate form and transfer fee to the Commission's Austin office within in 14 days of the transfer of employment to the new employer.

431.02 REQUIREMENTS FOR PERSONAL PROTECTION OFFICER EMPLOYER

Personal Protection Officer employers shall:

- A. Issue the Personal Protection Officer authorization pocket card issued by the Commission to the Personal Protection Officer when received from the Commission and affix a color photograph to the pocket card;
- B. Maintain on file for Commission inspection, contracts for Personal Protection Officer services; and
- C. Maintain current records on all persons issued a personal protection authorization on file for Commission inspection. The records shall contain:
- a. Current residence of personal protection officer.
 - b. The personal protection officer's name, address and telephone number;
- D. Upon receipt of a subpoena, provide:
- a. The name of the client being protected and contract information; and
 - b. The hours and dates of duty assignment.

431.03

VIOLATIONS OF THE ACT BY PERSONAL PROTECTION OFFICERS

In addition to other rules, a personal protection officer shall not:

- A. Perform personal protection officer duties for any person(s) other than the employer indicated in the Commission records;
- B. Fail to affix his or her signature and color photograph to the personal protection officer pocket card issued by the Commission;
- C. Fail to timely surrender the personal protection officer pocket card upon written notice served by the Commission or his employer;
- D. While in the course and scope of his or her employment as a personal protection officer, provide or engage in any other service regulated by the Act or Commission Rules other than providing personal protection from bodily harm to one or more individuals;
- E. Fail to conceal his firearm on his person;
- F. Fail to carry on his or her person, the issued security officer commission and personal protection authorization while performing the officer's duties as a personal protection officer; or
- G. Fail to present his or her security officer commission and personal protection authorization card upon request made by a peace officer or investigator employed by the Commission.



**Texas Commission
on
Private Security**

**SUBJECT
LETTERS OF AUTHORITY**

Effective Date

02-01-02

Rescind

Rule Number

432.00

432.01

REQUIREMENTS FOR ISSURANCE OF A PRIVATE BUSINESS LETTER OF AUTHORITY

- A. The security department of a private business that protects only the property of that private business may apply for and upon approval, receive, a letter of authority for purposes of complying with Section 1702.223 of the Act.
- B. A security department of a private business shall not provide guard company services to a third party for contracted compensation.
- C. A private business letter of authority shall:
 - 1. Be obtained by a private business entity that employs commissioned or noncommissioned security officers to protect only its own property.
 - 2. Register any unarmed security officers who come into contact with the public while protecting only the property of the private business in compliance with the provisions of the Act and Commission Rules.
 - 3. Be issued a number with each private business letter of authority approved by the Commission and this number shall be used on all applications submitted to the Commission.
 - 4. Be valid for one year and shall be renewed upon receipt of a Commission approved renewal application and the renewal fee.
 - 5. Be renewed during the calendar month preceding the month of expiration.
 - 6. Qualify a manager who meets the requirements set forth in 1702.113 and 1702.117 of the Act as they pertain to a security services contractor.
 - 7. Maintain on file with the Commission a certificate of proof of insurance as prescribed in Section 1702.124 of the Act.
- D. Holders of a letter of authority shall be subject to all rules established under the Act unless specifically exempted by the Executive Director.

432.02

REQUIREMENTS FOR ISSUANCE OF A GOVERNMENTAL LETTER OF AUTHORITY

- A. A governmental letter of authority shall:
 - 1. Be obtained by a governmental entity that employs commissioned security officers.
 - 2. Be issued a number with each governmental letter of authority approved by the Commission and this number shall be used on all applications submitted to the Commission.
 - 3. Be valid for one year and may be renewed upon receipt of an acceptable renewal application.
 - 4. Be renewed during the calendar month preceding the month of expiration.



**Texas Commission
on
Private Security**

**SUBJECT
LETTERS OF AUTHORITY**

Rule Number

432.00

Effective Date

02-01-02

Rescind

- B. Holders of a letter of authority shall be subject to all rules of the Act and Commission, unless specifically exempted by the Executive Director, and subject to review by the Commission at the next regular meetings.



**Texas Commission
on
Private Security**

SUBJECT	
GENERAL REGISTRATION REQUIREMENTS	
Effective Date	Rescind
02-01-02	

Rule Number

433.00

433.01 EMPLOYMENT REQUIREMENTS

- A. A registrant or commissioned security officer of a licensed company must meet the specifications defined by the Internal Revenue Service as an "employee"- or "contract laborer."
- B. A licensee shall not make application for any person knowing that the conditions of that person's employment do not conform to Subsection (A) of this Section.
- C. In the public interest and to ensure the good conduct of applicants for a registration or a security officer commission, they shall meet the requirements of Section 1702.113 of the Act.
- D. No licensee shall place on duty any employee who tests positive for any drug(s) or substance(s) until a successive test indicates no trace of the drug(s) or substance(s) for which the tests are performed, unless such medication is being taken under the direction of a license physician.

433.02 FINGERPRINTS

- A. An applicant for a registration, security officer commission or license under the provisions of this Act whose registration or commission has been expired for a period of time less than six months is not required to submit new fingerprint cards when making application.
- B. Notwithstanding Commission Section 433.05 of this title relating to Registration Deadline a licensee shall obtain the fingerprints of an applicant for a registration or security officer commission prior to assigning the applicant to duty.

433.03 EXHIBIT POCKET CARD

Any person who has been issued a registration pocket card shall carry the pocket card on or about his person while on duty and shall present same upon request from a peace officer or to an investigator employed by the Commission.

433.04 LICENSED COMPANY RESPONSIBLE FOR THE REGISTRATION OF EMPLOYEES

It shall be the responsibility of the licensed company to register all employees required to register under the Act, with the Commission.

433.05 REGISTRATION DEADLINE

Any person required to be registered with the Commission must have their application on file with the Commission within 14 days after commencing employment. Failure to comply may, at the discretion of the Director, result in denial of the application.



**Texas Commission
on
Private Security**

**SUBJECT
COMPANY RECORDS**

Rule Number

Effective Date

02-01-02

Rescind

434.00

434.01

EMPLOYEE RECORDS

Licensed companies shall keep records of all registered or commissioned employees. Records shall be maintained for a period of two years from the last date of employment. The following records shall be maintained:

- A. Full name of employee, date of employment, position and address;
- B. Social Security Number;
- C. Last date of Employment;
- D. Date and place of birth; and
- E. One color photograph; and
- F. The results of any drug screens for commissioned security officers.

434.02

LOCATION OF RECORDS

Records of registered employees shall be maintained at the following locations:

- A. If a company has no branch offices, the records shall be maintained at the principal place of business.
- B. If a company has one or more branch offices, the records shall be maintained at the branch office where the registrant or commissioned security officer is employed.
- C. A company shall notify the Commission of any centralization of records when a branch is closed or if records from area branch offices are centralized.

434.03

RECORDS TO BE AVAILABLE FOR INSPECTION

All records required to be kept under the provisions of the Act and Commission Rules shall be made available for inspection by Commission staff during normal business hours.

434.04

PRE-EMPLOYMENT CHECK

The employer of a commissioned security officer or registrant shall exercise due diligence in ensuring that an applicant's qualifications meet the provisions of Section 1702.113 of the Act, prior to duty assignment.

434.05

RECORDS REQUIRED ON COMMISSIONED SECURITY OFFICERS

The employer of a commissioned security officer shall maintain current records on all persons issued a security officer commission for Commission inspection. The records shall contain:

- A. Current residence of the security officer;
- B. Current duty assignment and location of assignment; and
- C. Results of any drug screens administered;
- D. Documented information on training required and provided.



**Texas Commission
on
Private Security**

**SUBJECT
RECIPROCITY**

Rule Number

Effective Date

Rescind

02-01-02

435.00

435.01

GENERAL RECIPROCITY

- A. The Commission shall identify those criteria for licensing from a state with whom a reciprocal agreement has been made that meet the requirements of the Act and Commission Rules.
- B. The Commission shall establish an agreement of reciprocity for use in implementing reciprocal agreements with other states. The terms of the reciprocal agreement shall be binding upon the parties thereto and shall be enforceable through the dissolution of the agreement in the event of violation of its terms.
- C. The Commission shall design an application form to be used by applicants for a reciprocal license. The applicant shall contain:
1. The applicant's name, business address and telephone number;
 2. The type of license(s) or other authorization(s) currently held by the applicant and the identifying number(s) of such license(s) or other authorization(s);
 3. The dates of licensure or other authorization(s) and expiration date of the applicant's current license(s) or other authorization(s);
 4. In the case of individual applicants, any company affiliation(s);
 5. A statement that the applicant has read, and agrees to comply with all provisions of the rules, regulations and statutes governing investigations and security contractor providers in the State of Texas;
 6. A statement that the applicant agrees to cooperate with any investigation initiated by the Texas Commission on Private Security;
 7. The payment of all applicable fees;
 8. Any and all items or documents required under the provisions of the Act or Commission Rules needed to complete the application as shall be specified in the reciprocal agreement with the applicant's state of license origin.
 9. An irrevocable consent that service of process, in connection with any complaint or disciplinary action filed against the applicant arising out of the applicant's investigation or security contractor activities in the reciprocating state may be made by the delivery of such process on the administrator of the originating state regulatory agency; and
 10. A statement that the applicant's investigations company or security contractor license or other authorization has not been suspended and/or revoked within a period of ten years immediately preceding that application of previously-satisfied qualifications or reciprocal licensure.
- D. An agreement to enter a reciprocal agreement with another state shall be approved by the Governor of Texas.

435.02

LIMITED RECIPROCITY

- A. The Executive Director may enter into a limited reciprocal agreement with another state in compliance with Title 10 Chapter 1702.1183 permitting private investigators to enter Texas for limited periods of time.
- B. All limited reciprocal agreements will be for completion of contracts executed in the state where the investigator is licensed and in good standing.
- C. The governing Commission/Board of each state/party to the agreement shall, through the signature of the Chairman, approve any agreement made under this provision.



**Texas Commission
on
Private Security**

**SUBJECT
SUBSCRIPTION FEES**

Rule Number

436.01

Effective Date

06-24-03

Rescind

436.01

Pursuant to Senate Bill 187 and Senate Bill 645, 77th Legislature, regular session, each licensee, registrant or commissioned security officer shall pay the following fee for occupational license renewal: \$3.00 for renewals from \$20 to \$25; \$5.00 for renewals from \$50 to \$100. This fee is in addition to the renewal fee.



**Texas Commission
on
Private Security**

**SUBJECT
TRAINING**

Rule Number

Effective Date

Rescind

02-01-02

440.00

440.01 APPLICATION FOR A TRAINING SCHOOL APPROVAL

- A. An application for training school approval shall be on a form prescribed by the Commission to show proof that the applicant has:
1. Developed an adequate training course or is using the Commission's most current version training manual as its curriculum;
 2. Adequate space, qualified instructors, and proper instructional material; and
 3. Appointed a qualified manager who will be responsible for training.
- B. The Letter of Approval shall be valid for one year and may be renewed by submitting an application for renewal 30 days prior to the expiration date.
- C. An entity having a private business letter of authority or a governmental letter of authority may seek approval for a training school approval by meeting requirements of 440.01, 432.01, or 432.02 where applicable.
1. A training school approval granted under this section shall be limited to training employees of the letter of authority only.

440.02 ATTENDANCE, PROGRESS, AND COMPLETION RECORDS REQUIRED

- A. Commission approved training school shall have a qualified manager who shall comply with the requirements of the Act and Commission rules. This manager shall:
1. Issue an original Certificate of Completion to each qualifying student, within seven days after the student qualifies;
 2. Maintain adequate records to show attendance, progress, of grades of students and maintain on file a copy of each certificate issued to students at the Commission approved training school; and
 3. Make all required records available to investigators employed by the Commission for inspection during reasonable business hours.
- B. Upon renewal, any Commission approved training school that has not submitted applications to register its owners, officers, partners, shareholders and qualified a manager shall be required to do so before the renewal can be completed along with any applications, fees, or fingerprints that may be required for licensing.

440.04 COMMISSION REFUSAL OF CERTIFICATE OF COMPLETION

The Commission may refuse to accept a Certificate of Completion from a training school upon receipt of evidence of violation of the Act or Commission Rules involving an owner, officer, partner, shareholder, qualified manager or instructor.

440.05 WITHDRAWAL OF TRAINING SCHOOL APPROVAL

The Commission may withdraw approval of a training school upon evidence the school has operated in violation of the Act or Commission Rules.

440.06 NOTIFICATION OF DENIAL OR WITHDRAWAL OF A LETTER OF APPROVAL

The Commission, upon review and consideration of an application for training school approval, shall set forth in writing the reasons for denial of approval.

440.07 APPLICATION FOR A TRAINING INSTRUCTOR LETTER OF APPROVAL

An application for approval as an instructor shall contain evidence of qualification as required by the Commission. Instructors may be approved for classroom and/or firearm training. An individual may apply for approval for one or both of these categories. To qualify for a classroom or firearm instructor approval the applicant for approval must submit acceptable certificates of training for each category. The classroom instructor and firearm certificates shall each have consisted of a minimum of 40 hours of Commission approved instruction.

- A. Proof of qualification as a classroom instructor shall include, but not be limited to:
 - 1. An instructor's certificate issued by Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).
 - 2. An instructor's certificate issued by federal, state or political subdivision law enforcement academy.
 - 3. An instructor's certificate issued by the Texas Education Agency.
 - 4. An instructor's certificate relating to law enforcement, private security or industrial security issued by a junior college, college or university.
- B. Proof of qualification as a firearm training instructor shall include, but not be limited to:
 - 1. An instructor's certificate issued by the Law Enforcement Activities Division of the National Rifle Association (NRA).
 - 2. An instructor's certificate issued by TCLEOSE.
 - 3. A firearm instructor's certificate issued by a federal, state or political subdivision law enforcement agency approved by the Executive Director.
- C. A Letter of Approval from the Commission shall be issued to each approved instructor and shall be valid for a period of one year. The instructor's approval may be renewed during the month preceding the month in which the approval expires for a period of one year after expiration, upon application to the Commission and payment of the renewal fee.
- D. The Commission may revoke or suspend an instructor's approval or deny the application or renewal thereof upon evidence that:

1. The instructor or applicant has violated any provisions of the Act or Commission Rules;
2. The qualifying instructor's certificate has been revoked or suspended by the issuing agency;
3. A material false statement was made in the application; or
4. The instructor does not meet the qualifications set forth in the provisions of the Act and Commission Rules as amended.

440.08 TRAINING COURSES

A. Guard Training Courses

1. In accordance with the Act, the following training shall be required of registrants and commissioned security officers:
 - a. Level I - All registrants, and commissioned security officers including noncommissioned security officers, private investigators, branch office managers, licensed managers, alarm systems monitors, dog trainers and security consultants and excluding alarm installers, alarm salespersons, owner, officers, partners, and shareholders. A certificate indicating completion of Level I training shall be submitted to the Commission along with the application to register the individual within 14 days after they commence employment.
 - b. Level II - All noncommissioned security officers and commissioned security officers. A certificate indicating completion of Level II training shall be submitted to the Commission within 14 days after they commence employment.
 - c. Level III Training - shall be completed by applicants for a security officer commission and a personal protection officer authorization. A certificate indicating completion of Level III Training shall be submitted to the Commission along with the application to register the individual.
2. Level I and Level II may be taught by the manager, the manager's designee or a Commission approved school and Commission approved instructor using the most current version of the respective Commission Level I and Level II Training Course manual.
3. Level III and IV shall be taught by a Commission approved school and Commission approved instructor using the most current version of the respective Commission Level III and IV manuals.
4. Training manuals for Levels I, II, III, and IV will be prepared by Commission staff and other qualified individuals selected by the Executive Director.
5. The passing grade for all examinations shall be a minimum of 75% correct answers.

B. Alarm Training Courses

1. In accordance with the Act, the following training shall be required of an alarm systems installer and a security salesperson:

- a. Alarm Level I – All individuals employed as an alarm systems installer or a security salesperson must hold a certification by a Commission approved training program to renew an initial registration. An original certificate indicating successful completion of an Alarm Level I training program shall be submitted to the Commission along with the proper application to renew an initial registration.
 - b. The passing grade for all Alarm Level I examinations shall be a minimum of 70% correct answers.
 - c. An Alarm Level I program shall be taught by a Commission approved Alarm Instructor.
2. A Commission approved Alarm Instructor may teach Commission approved continuing education courses.

440.09

FIREARM COURSES

- A. In addition to the firearm qualification requirements as set forth in the Act, a firearm instructor may qualify a student by using:
 1. The Texas Department of Public Safety Practical Combat Pistol Course;
 2. The Federal Law Enforcement Training Center Practical Pistol Course;
 3. The Texas Department of Public Safety Approved Concealed Handgun Weapons Range Qualifications course; or
 4. Other training as may be approved by the Executive Director.
- B. All individuals qualifying with a firearm to satisfy the requirements of the Act or Commission rules shall qualify with an actual demonstration by the individual of their ability to safely and proficiently use the category of firearm for which the individual seeks qualification.
- C. The categories of handguns are:

SA: any handgun, whether semi-automatic or not; and
NSA: handguns that are not semi-automatic.
- D. The category for any shotgun is STG.

440.10

SHOTGUN TRAINING

Competency with a shotgun shall be determined by the firearms training instructor after instructing the student in the operation of a shotgun, and the satisfactory completion of the Shotgun Training requirements of Rule 440.11.

440.11

SHOTGUN TRAINING REQUIREMENTS

Any commissioned security officer licensed by the Commission who, in the performance of his/her duties, has a shotgun available to assist in the protection of life or property must demonstrate competency by successfully completing the course of fire for shotgun training. The course of fire shall consist of nine rounds of nine (9) pellet "00" buckshot fired as follows:

- A. From a standing position at a distance of fifteen (15) yards, three (3) rounds of “00” buckshot in twelve (12) seconds;
- B. From a standing position at a distance of ten (10) yards, three (3) rounds of “00” buckshot in ten (10) seconds;
- C. From a standing position at a distance of five (5) yards, three (3) rounds of “00” buckshot in ten (10) seconds; or
- D. An alternate course of fire may be approved by the Executive Director upon receipt of written application.
- E. A biennial familiarization of six (6) rounds of “00” buckshot shall be required for renewal of a security officer commission.
 - 1. The course of fire shall be as outlined in Rule 440.11 reducing the number of rounds from three (3) to two (2) with a commensurate halving of time in each category.
 - 2. The Executive Director may approve an alternate course of fire upon receipt of written application.

440.12 TRAINING SCHOOL AND INSTRUCTOR APPROVAL

For the purpose of this Act, approval as a security officer training school and/or instructor shall be considered a license with respect to suspension, revocation or denial.

440.13 SECURITY OFFICER TRAINING MANUAL AND EXAMINATION

- A. The Commission's most current version training manual shall be used by all Commission approved Level III training schools.
- B. All students of a Level III training school shall be tested with the most current version examination prepared by and obtained from the Commission.
- C. The passing grade of all examinations shall be a minimum of 75% correct answers.

440.14 ALARM INSTALLER AND ALARM SYSTEMS SALESPERSON TRAINING AND TESTING/APPLICATION FOR ALARM TRAINING PROGRAM APPROVAL

- A. An application for alarm installer or alarm systems salesperson training program approval shall be on a form prescribed by the Commission.
- B. A Letter of Approval shall be granted by the Executive Director to all qualified alarm training programs and shall be valid for one year and may be renewed by submitting an application for renewal no later than 30 days prior to the expiration date along with any required fees.
- C. A qualified manager for an alarm training program in addition to meeting the requirements of 1702.113 and a qualified alarm training instructor must have successfully completed a Commission approved program in alarm installation. Approval by the Commission of alarm training program directors and qualified alarm training instructors shall be valid for one year.

440.15 ATTENDANCE, PROGRESS AND COMPLETION RECORDS REQUIRED

- A. A Commission approved alarm training program shall:
 - 1. Issue an original Certificate of Completion to each qualifying student within 7 days after the student qualifies;
 - 2. Maintain adequate records to show attendance, progress, and grades of students; and
 - 3. Make all records required to be maintained available for inspection by Commission staff during business hours.
- B. Qualified Alarm Training Program Instructors shall maintain records on file for inspection by Commission staff during business hours as proof of attendance and progress of grades of students.

440.16 ALARM SYSTEMS INSTALLER OR ALARM SYSTEMS SALESPERSON

- A. The Certificate of Completion shall contain:
 - 1. Name and approval number of the school;
 - 2. Approval number(s) of qualified class room instructor(s);
 - 3. Date of completion;
 - 4. Name and signature of the manager of the school; and
 - 5. Full name and social security number of the student.
- B. The Certificate of Completion shall indicate that the student has passed the required test and shall contain the words "has successfully completed the alarm installers or alarm systems salespersons alarm training program approved by the Texas Commission on Private Security."

440.17 RECORDS REQUIRED ON MANAGER

- A. Each Commission approved alarm training program shall:
 - 1. Have a qualified manager, and they shall comply with the requirements of 1702.113 of the Act.
 - 2. Register any owners, officers, partners, shareholders, and qualify a manager, and they shall meet the requirements under 1702.113 of the Act.
- B. Each owner, officer, partner or shareholder and qualified manager of a Commission approved alarm training program shall, with 14 days after commencement of employment, submit an application to the Commission, the appropriate fees, and two sets of Commission approved fingerprint cards.
- C. A Commission approved alarm training program shall register its owners, officers, partners, shareholders and qualified manager prior to renewal of the training program.

440.18 STATUTORY OR RULES VIOLATIONS

- A. The Commission may refuse to accept a Certificate of Completion from an alarm training program upon receipt of proof of violation of the Act or Commission Rules involving an owner, officer, partner, shareholder, manager, or alarm training program instructor.
- B. The Commission may withdraw, suspend or revoke an approval of an alarm training program or approval of an alarm training instructor upon receipt of evidence that the program or instructor has violated the Act or Commission Rules.

440.19 CERTIFICATE OF COMPLETION

- A. The Certificate of Completion shall reflect the particular course or courses completed by a student during the training period.
- B. All Certificates of Completion shall contain:
 - 1. Name and approval number of the school;
 - 2. Date of completion;
 - 3. Name, signature and approval number of training instructor;
 - 4. Name and signature of the qualified manager; and
 - 5. Full name and social security number of student;
 - 6. The date of final completion of the entire course;
 - 7. The specific date of firearm qualification along with the name and approval number of the firearms instructor on those certificates designating completion of Level III; and
 - 8. The certificate of completion for firearms qualification shall:
 - a. Note the category of firearm as defined in Rule 446.15(c) (1) and (2) and (d) (1), Rule 440.09, (c) and (d).
 - b. Note the caliber of firearm, and
 - c. Be on a certificate form designed or approved by the Commission.



**Texas Commission
on
Private Security**

SUBJECT	
PERSONAL PROTECTION OFFICERS TRAINING	
Effective Date	Rescind
02-01-02	

Rule Number

441.00

441.01

TRAINING – PERSONAL PROTECTION OFFICERS

- A. The personal protection officer course may only be offered by Commission approved commissioned personal protection officer training schools and taught by Commission approved Personal Protection Officer Instructors who are employed by the approved school. Personal Protection Officer Training Instructors must be approved to instruct Level Four training. To receive Commission approval, a school or instructor must submit an application to the Commission on a form provided by the Commission. Any person applying for approval as an instructor shall submit proof of qualification as required by the Commission. Proof of qualification as an instructor shall include, but not be limited to, the following:
1. An instructor's certificate issued by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for 3 or more years. Evidence may include:
 - a. Affidavit from employer;
 - b. A copy of curriculum taught;
 2. An instructor's certificate issued by federal, state or political subdivision law enforcement academy along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for 3 or more years. Evidence may include:
 - a. Affidavit from employer;
 - b. A copy of curriculum taught;
 3. An instructor's certificate issued by the Texas Education Agency (TEA) along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for 3 or more years. Evidence may include:
 - a. Affidavit from employer;
 - b. A copy of curriculum taught;
 4. An instructor's certificate relating to law enforcement, private security or industrial security issued by a junior college, college or university along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for 3 or more years. Evidence may include:
 - a. Affidavit from employer;
 - b. A copy of curriculum taught; or
 5. Evidence of attending and successfully completing a Commission approved training course for Personal Protection Officer Instructors.

- a. A letter of approval from the Commission shall be issued to each approved instructor and shall be valid for a period of one year. The instructor's approval may be renewed for a period of one year upon application to the Commission and payment of the renewal fee.
- b. A letter of approval for a personal protection officer instructor shall be considered a license with respect to suspension, revocation or denial.
- c. Notice shall be given in writing to the Commission within 14 days after a change in address of the approved instructor.

B. LEVEL IV TRAINING (PERSONAL PROTECTION OFFICER TRAINING COURSE)

The Personal Protection Officer Training Course shall consist of a minimum of 15 classroom hours and shall be offered by Commission approved personal protection officer training schools and taught by Commission approved personal protection training instructors. All training shall be conducted with Commission approved instructor present during all instruction. All students of a Personal Protection Officer Training Course shall be tested with an examination prepared by and obtained from the Commission. Commission official Personal Protection Officer Training Video Tapes shall be obtained from the Commission and used as the curriculum.

C. PERSONAL PROTECTION OFFICER TRAINING MANUAL, EXAMINATION

1. The Commission's current version of the Personal Protection Officer Training Manual shall be used by all Commission approved personal protection officer schools and instructors as their curriculum and shall be obtained from the Commission.
2. All students of a Personal Protection Officer Training Course shall be tested with the current version of an examination prepared by and obtained from the Commission.
3. The passing grade of the Personal Protection Officer Training Course shall be a minimum of 75% correct answers on academic studies and must meet the minimum standards as set forth by the approved instructor on practical simulations.

D. CERTIFICATE OF COMPLETION – PERSONAL PROTECTION OFFICER TRAINING

1. The certificate of completion shall contain the:
 - a. Name and approval number of the school;
 - b. Name and signature of the school director;
 - c. Name, signature and approval number of the personal protection training instructor;
 - d. Date of completion;
 - e. Full name and social security number of the student; and
 - f. Complete address of the location where the training was conducted.
2. Certificates of completion shall be issued by a Commission approved training school.



**Texas Commission
on
Private Security**

**SUBJECT
CONTINUING EDUCATION**

Rule Number

Effective Date

Rescind

02-01-02

442.00

442.01 CONTINUING EDUCATION COURSES

- A. A license may not be renewed until the required minimum hours of Commission approved continuing education credits have been obtained in accordance with the Act and Commission rules. Proof of the required continuing education must be maintained by the employer and contained in the personnel file of the registrant's employing company.
1. All registrants not specifically addressed in this section shall complete a total of eight (8) hours of continuing education, seven hours of which must be in subject matter that relates to the type of registration held, and one (1) hour of which must cover ethics;
 2. Non-participating owners, partners, shareholders, non-commissioned security officers and administrative support personnel are specifically exempted from the continuing education requirements.
 3. Private investigators and managers of Class A and Class C licenses shall complete a total of sixteen (16) hours of continuing education, fourteen (14) hours of which must be in subject matter that relates to the type of registration held, and two hours of which must be over ethics;
 4. Any person registered as a private investigator who fails to complete 16 hours of continuing education during the 24 months of an initial registration is not eligible to make new or renewal application until such time as the training requirement for the previous registration period has been satisfied.
 5. Commissioned security officers and personal protection officers shall complete six (6) hours of continuing education. Continuing education for commissioned security officers and personal protection officers must be taught by schools and instructors approved by the Commission to instruct commissioned security officers as defined in 1702.1685. Commissioned security officers shall submit a firearms proficiency certificate along with their renewal application.
 6. All registrants shall indicate they have completed the required minimum hours of Commission-approved continuing education credits on their application for renewal. A renewal application shall also include name of school, school number, seminar number, seminar date, and credits earned.
 7. Continuing education schools shall report attendees of continuing education classes to Commission within thirty (30) days of class completion. This report shall include the school number, instructor number, date and location of school. In addition to the following information for each participant: name, SSN and continuing education credit earned.
 8. During the 1st 24 months of initial registration each person employed as an alarm system installer or alarm systems salesperson must complete twenty (20) hours of classroom instruction, as described in Chapter 1702 Occupation Code. Any person employed as an alarm systems installer or alarm systems salesperson must obtain 8 hours of continuing education credits in alarm related field during each subsequent 24 month period preceding the expiration date of registration in order to renew the registration.
 9. Any person licensed as an alarm systems installer or alarm systems salesperson who fails to complete 20 hours of training during the 24 months of initial licensure or who fails to complete 8 hours of continuing education during any subsequent licensing period is not eligible to make new or renewal application until such time as all training requirements for the previous license period have been satisfied.
 10. Alarm monitors shall complete four (4) hours of continuing education in subject matter that relates to the duties and responsibilities of an alarm monitor.
 11. The Executive Director or his designee shall approve classes for continuing education that are determined to meet the qualifications of the Act and Commission rules.

12. Any person licensed by the Commission as an alarm instructor shall be authorized to instruct all alarm continuing education courses approved by the Commission.
 13. Any person licensed by the Commission as a Level III or Level IV Instructor shall be authorized to instruct all continuing education courses approved by the Commission excluding alarm continuing education.
- B. Continuing education instructors shall provide a certificate of completion to each person successfully completing the continuing education course within 7 days after the date of course completion.
1. The continuing education certificate of completion shall contain:
 - a. The name and social security number of the person attending the course;
 - b. The title and topic of the course;
 - c. The number of hours of instruction provided;
 - d. The signature of the instructor; and
 - e. Any information deemed necessary by the Executive Director.
 2. The manager of a commissioned security officer training school conducting a continuing education course for commissioned security officers shall provide a certificate of completion to each person successfully completing the course within 7 days after the date the course was completed.
 3. The certificate of completion for commissioned security officers shall contain:
 - a. The name and social security number of the person attending the course;
 - b. The title and topic of the course;
 - c. The number of hours of instruction provided;
 - d. The signature of the instructor and school director; and
 - e. Any information deemed necessary by the Executive Director.
- C. To receive Commission approval, a continuing education course shall contain instruction relating to one or more of the following:
1. Investigative procedures and practices;
 2. Business practices;
 3. Legal aspects of private investigation or private security;
 4. Ethical aspects of private investigation or private security;
 5. Handgun proficiency as defined under Section 1702.168 of the Act; and/or
 6. Any other course of instruction approved by the Executive Director.

- D. To receive Commission approval, a continuing education course shall contain at least one clock hour of instruction.
- E. The Executive Director shall approve courses for continuing education that are determined to meet the qualifications of these rules and the Act.
 - 1. Courses may be provided for and taught by any organization or person that, in the Executive Director's discretion, has the education, knowledge and experience to provide such information.
 - 2. A person wishing to conduct a continuing education course must provide the Executive Director a description of the contents of the curriculum and the qualifications of any instructor.
 - 3. The Executive Director shall inform the person wishing to conduct the course of the approval or disapproval within 10 working days of receiving the request.
 - 4. The Executive Director may delegate this responsibility to other employees of the Commission.



**Texas Commission
on
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**SUBJECT
DELEGATION OF AUTHORITY**

Effective Date

02-01-02

Rescind

Rule Number

449.00

449.01

EXECUTIVE DIRECTOR

The Commissioners have determined that good cause exists to:

A. Delegate to the Executive Director

1. The authority to add new courses;
2. The authority to change the curriculum of existing courses;
3. The authority to add new examinations or to update existing examinations;
4. The authority to waive any rule;
5. The authority to conduct special projects;
6. For others reasons as may be authorized by law.

B. The Executive Director may delegate the authority to, under his general supervision, have this provision exercised by the Deputy Director or a division chief.

C. Any temporary waiver or change outlined above will be reported to the Commission in a timely fashion.